

Agricultural Marketing Service
Office of the Deputy Administrator for Marketing Programs
Fruit and Vegetable Programs
P ACA Branch
Fruit & Vegetable Marketing Specialist (Regulatory)
GS-1146-9 (Dispute Resolution Specialist)

Standard Job FV49

I. INTRODUCTION

The P ACA Branch administers the Perishable Agricultural Commodities Act (PACA) which prohibits unfair trade practices in the marketing of fresh and frozen fruits and vegetables in interstate or foreign commerce, and the Produce Agency Act which prohibits the unlawful destruction of perishable farm products. The position is located in a regional office of the Branch.

The incumbent, a Fruit and Vegetable Marketing Specialist, has responsibility for handling moderately difficult reparation complaints and handling all complex formal reparation complaints and the accompanying reports of investigation. The incumbent also assures the complaints are complete and meet legal sufficiency, serves formal documents on parties and reviews parties' answers to determine if oral hearing and/or counterclaim is requested. After formal procedures have been followed, the incumbent drafts default orders and/or forwards the case file to the Headquarters' office for subsequent referral of the file to the Office of General Counsel.

II. DUTIES AND RESPONSIBILITIES

Handles contractual disputes involved in reparation complaints of moderate difficulty through correspondence and phone contact. Uses knowledge of mediation techniques to assist parties involved in contract disputes to reach settlement. Provides counseling service and advice on fair trade practices to industry members.

Advises trade members involved in disputes of their rights and responsibilities under the PACA. On all but the most complex cases as determined by the supervisor, attempts informal resolution of complaints with involved parties at all stages of the informal/formal reparation process including mediation when appropriate. If unable to effect an informal settlement, incumbent is able to offer an informal opinion in writing.

Receives and reviews complex formal complaints not resolved in the informal stage to determine whether the requirements for processing in the formal stage have been met. Based on a thorough knowledge of the statutory provisions of the PACA as it relates to the filing of informal and formal complaints assures that: the correct legal parties are listed; the commodities involved are subject to the Act; the statute of limitations on the alleged violations has not expired; all supporting

documents as exhibits relating to the transaction are included; interstate or foreign movement of product is properly supported; damage claims are supported by invoices, bills of lading, or other pertinent documents showing how damages were calculated; damages are mathematically correct; and, that the complaint is properly notarized, signed and dated. Formal complaints require an in-depth review of all documentation and differ as to the type of transaction(s) involved. Some formal complaints are based on no-pay situations while other complex complaints involve damages based on accountings, market news reports and market decline. The incumbent must be familiar with all types of transactions in order to properly review the formal documents and establish formal complaints.

Assures formal reparation complaints are complete and meet legal sufficiency. Serves on the appropriate parties copies of all complaints, answers and other filings received in the Regional Office during the processing of documentary procedure and oral hearing cases. Reviews documents filed in formal cases to determine the next step in the process as required by the applicable Rules of Practice. Forwards each case file to the Headquarters' office for subsequent referral of the case file to the Office of the General Counsel. Updates the Branch database with information and activities related to informal and formal complaint matters.

Compiles and summarizes significant information in organized format and briefs Specialists. Provides training and guidance to program assistants and entry level marketing specialists who serve as their back ups. Contacts the industry as to the activities of violators in the area and updates the Branch database with the information. Updates firms in the Branch database, in which employment sanctions and re-licensing have changed or expired.

Adheres to Equal Employment and Civil Rights policies, goals, and objectives in performing the duties of this position. Assures that written and oral communications are bias-free and that differences of other employees and clients are respected and valued.

III. FACTORS

A. Knowledge Required by the Position

Knowledge of all rules, regulations, policies, and precedents of the Branch regarding licensing requirements, informal and formal reparation complaints, trust provisions, and disciplinary complaints as they relate to the technical support duties of the position.

Knowledge of grade standards and grading procedures unique to the fresh and frozen fruit and vegetable industry.

Skill in examining complex documents submitted by industry members in order to determine appropriate action.

Knowledge of and the ability to apply mediation techniques to resolve reparation complaints filed under the PACA.

Knowledge of sanction policies and time limits of sanctions set by the Act and Regulations (suspensions, revocations repeated and flagrant violations) in order to handle workload accordingly and advise parties of accurate information.

Skill in researching historical files of the office to determine pertinent information to expeditiously handle reparation complaints.

Knowledge of all functions of the office in order to suggestion changes for procedures or policies that would increase efficiency.

Good working knowledge of the marketing of fruits and vegetables including but not limited to prevailing trade terms and practices. Knowledge of the fruit and vegetable industry must extend to the shipping and distribution areas and cover such diverse factors as trade terms and definitions, invoicing, bills of lading, brokers memoranda of sale, and business practices common to the fruit and vegetable industry.

B. Supervisory Controls

The incumbent is under the technical and administrative supervision of the Regional or Assistant Regional Director. The incumbent handles all routine assignments to a conclusion on own initiative. Work is reviewed for technical adequacy, accuracy, thoroughness, timeliness, and consistency with past practice.

C. Guidelines

Guidelines consist of enabling statutes as well as a variety of Branch, Division, and Agency regulations, policies and procedures. Guidelines also include USDA and court precedent decisions involving contracts, agency, and fair trade practice, as well as bankruptcy laws and various State laws. The incumbent interprets and applies the guidelines to a variety of different situations. The employee adapts the guidelines to specific cases and one-of-a-kind situations; the employee consults with the supervisor only in matters involving complex issues.

D. Complexity

The incumbent is exposed to the range of casework in the office. The work involves resolving highly technical contractual matters requiring knowledge of many aspects of marketing. The interpretations made by the incumbent require extensive review and knowledge of various documents and procedures common

to the industry. In some instances, the determinations are based on consideration of more than one law, and familiarity with all aspects of the fruit and vegetable industry.

E. Scope and Effect

The work product has a direct and substantial impact on fair trade practices in the industry. Large sums of money and in some cases the right of fruit and vegetable traders to engage in business can be affected by decisions rendered.

F. Personal Contacts

Contacts include, in addition to Branch and Division employees, members of the fruit and vegetable industry and their attorneys; attorneys in the office of the General Counsel; and USDA, Federal and State employees. Contacts with the public are sometimes made under adverse conditions, and the incumbent may encounter hostility and occasional aggressive behavior from individuals subject to sanctions under the law.

G. Purpose of the Contacts

The purpose is to obtain information and documentation for reparation complaint handling, to advise trade members of possible violations of the PACA, to advise as to rights and responsibilities under the P ACA, to expedite formal reparation proceedings, and to advise on status of reparation complaints.

H. Physical Demands

The work is primarily sedentary. There may be some walking, standing, bending and carrying of light items such as books and files.

I. Work Environment

Work is performed in an office setting.